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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,923	10/10/2001	Kelan C. Silvester	INTL-0667-US (P12985)	1093
7590	11/03/2005			
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1805			EXAMINER COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,923

Applicant(s)

SILVESTER, KELAN C.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/10/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In response to communications filed on 8/18/2005, applicant cancels claim 6 and amends claims 1-5 and 7-20. The following claims 1-5 and 7-29 are presented for examination.

1.1 Applicant's remarks, page 6, filed on 12/29/2004, with respect to the rejection of claims 1-11 and 13-43 have been fully considered but they are not persuasive as amended. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Cromer discloses an invention implemented in a geographical area being any geographical area capable of being defined (column 8, lines 23-28); The global positioning mentioned by Applicant is only of the embodiments of Cromer; another embodiment uses short range wireless signal. Therefore, Applicant has not overcome the rejection. For at least the reasons mentioned above, Examiner maintains rejection from the previous Office Action claims 1-5 and 7-29 remain rejected in view of the same references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.1 **Claims 1-2, 4, 7-9, 11-12, 14, 16-18, 20-21, 23, 26-28** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,166,688 to **Cromer et al.**

2.2 **As per claims 1 and 20, Cromer et al** discloses a method comprising disabling an operation of a wireless device included within a portable computer (wireless device is capable of transmitting wireless RF signal that meets the recitation of short-range wireless signal), in response to the portable computer being moved outside of an authorized area of use, geographical area being any geographical area capable of being defined (column 8, lines 23-28); the portable computer may be located within a room or building controlled by a gate (that meets the recitation of base station), which includes a wireless transmitter/receiver for transmitting information to/from the portable computer to the gate (see column 3, lines 21-26 and column 3, line 61 through column 4, line 16; and column 4, lines 34-42 and column 5, lines 57-65) that

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meets the recitation of disabling an operation of a wireless device that fails to communicate with a base station over a range limited wireless protocol, including sending .

As per claim 11, Cromer et al discloses a wireless system comprising a gate coupled to a server capable of transmitting and receiving wireless signals that meets the recitation of processor; a wireless transceiver; and a storage coupled to said processor (see claims 29 and 30), said storage storing instructions that enable the processor to authenticate a received wireless signals, and, if the signal is not authenticated, disable an operation of the device (see claims 29 and 30).

As per claims 2, 12, and 21, Cromer et al discloses a wireless device included within a portable computer wherein the wireless device is capable of transmitting wireless RF signal that meets the recitation of short-range wireless signal, in response to the portable computer being moved outside of an authorized area of use the portable computer may be located within a room or building controlled by a gate that meets the recitation of base station, which includes a wireless transmitter/receiver for transmitting information to/from the portable computer to the gate (see column 7, lines 35-43; column 3, lines 21-26 and column 3, line 61 through column 4, line 16; and column 4, lines 34-42 and column 5, lines 57-65) that meets the recitation of including sending a short range wireless signal from said wireless device to base station (column 5, lines 57-62).

As per claims 4, 14, and 23, Cromer et al discloses wherein preventing operation of the device includes preventing access to a supply of power (column 4, lines 7-16).

As per claims 7-9, 16-18, and 26-28, Cromer et al discloses including preventing operation of the device if the signal is not authenticated by the gate that meets the recitation of base station (column 7, line 50 through column 8, line 9 and column 8, lines 28-35) and further discloses affecting the performance of the device if the signal is not authenticated by the base station (column 7, lines 30-40) and limiting access to storage (column 5, lines 30-36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1 **Claims 3, 10, 13, 19, 22, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,166,688 to **Cromer et al** in view of US Patent 6,654,890 to **Girard**.

3.2 As per claims 3, 13, and 22, **Cromer et al** substantially teaches the claimed method and system of claims 1, 11, and 20. **Cromer et al** does not explicitly teach a Bluetooth protocol signal, which is also well known in the art. However, **Girard** in an analogous art teaches wirelessly locking a computer platform to discourage theft. **Girard** further teaches the advantage of using Bluetooth technology for wireless communication of data from and to the protected device. One of the advantages of using Bluetooth technology is that it provides a universal short-range radio link to communicate with any other digital input output device and in addition it provides fast acknowledgement and frequency hopping scheme to make the link robust, and security can also be enhanced since authentication and encryption can be implemented in each Bluetooth device (column 3, line 45 through column 4, line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless device of **Cromer et al** to provide a Bluetooth protocol wireless device for sending/receiving wireless signal as taught by **Girard**. One skilled in the art would have been lead to make such a modification since Bluetooth technology provides several advantages such as universal short-range radio link to communicate with any other digital input output device and fast acknowledgement, and frequency hopping scheme to make the link robust and enhancing security by implementing authentication and encryption in each Bluetooth device as suggested by **Girard**.

As per claims 10, 19, and 29, **Cromer et al** discloses starting booting and discloses the gate authenticating the base station to allow next booted (column 6, lines 8-45 and column 7, line

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63 through column 8, line 17) and **Girard** discloses pre-boot authentication code to access the system authentication may be performed through communication channel by wireless communication that meets the recitation of preventing the device from booting if the signal is not authenticated by a base station (column 5, lines 41-55). Therefore, these claims are rejected on the same rationale as the rejection of claims 3, 13, and 22.

4. **Claims 5, 15, and 24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,166,688 to **Cromer et al.**

As per claims 5, 15, and 24, Cromer et al does not explicitly disclose sending/receiving the wireless signal to/at a key fob. It is well known in the art that wireless signal is being received at a key fob to enable or disable another device such as a car. Therefore, it would have been obvious to one skilled in the art to modify the method of **Cromer et al** to send the signal at a key fob as known in the art rather than sending/receiving the signal to a gate or a server (column 7, lines 35-43). The motivation to do so is to provide user control; a user using a key fob can therefore monitor and automatically respond to the alert.

As per claim 25, Cromer et al discloses including receiving a wireless signal at server which is at a different location than the portable device which meets the recitation of receiving the signal at a concealed location (column 7, lines 35-40). **Cromer et al** suggests a geographical area being any geographical area capable of being defined (column 8, lines 23-28).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses disabling a device using wireless system.

US Patents: 5,748,084 Isikoff; 3,939,679 Barker et al ; 6,362,778 Neher ;
5,874,902 Heinrich et al ; 5,973,611 Kulha et al.

5.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cc

Carl Colin

Patent Examiner

October 28, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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